

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Peter R. Horsfall

Application No.: 09/942,426

Confirmation No.: 7416

Filed: August 29, 2001

Art Unit: 3691

For: ELECTRONIC TRADING SYSTEM

Examiner: Olabode Akintola

AMENDMENT IN RESPONSE TO FINAL OFFICE ACTION

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

INTRODUCTORY COMMENTS

In response to the Office Action dated September 20, 2007, please amend the above-identified U.S. patent application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 8 of this paper.

AMENDMENTS TO THE CLAIMS

Please cancel claims 12, 18-20, 23 and 24 without prejudice.

1. (Previously Presented) A computerised trading system for trading instruments between trading parties, comprising:

a communications network for transmitting electronic messages;

a plurality of trader order input terminals connected to the communications network, each for inputting orders into the system and for generating electronic orders including bid and/or offer orders and for communication to traders of order information received from other input terminals over the network;

at least one broker order input terminal connected to the communications network for inputting orders into the system and for generating electronic orders including bid and/or offer orders on behalf of a selected one of a plurality of client traders and for communication to a broker of order information received from other input terminals over the network;

at least one matching engine computer connected to the network for matching bid and offer orders input into the system from the order input devices and for selectively executing deals where prices are matched; and

one or more market distributor computers connected to the network for distributing order information to the order input terminals, the one or more market distributor computers being responsive to the order information and the matching engine computer, and the one or more market distributor computers also distributing to the trader order input terminals an indication of the amount of the market in the

instrument being traded that has been input from the at least one broker order input terminal.

2. (Previously Presented) A system according to claim 1, comprising a credit store for storing an indication of credit available for trades between each trading party trading via one of the plurality of trader order input terminals, whereby deals are executed automatically by the matching engine computer if sufficient credit for the deal exists between the counterparties, the credit limit further including an indication of whether credit is available for trades between a trading party trading via a broker order input terminal and a counterparty, the system further comprising a message generator for sending a message to a broker order input terminal and the order input terminal of a counterparty to a proposed deal, the deal confirmation message identifying the counterparty to the proposed deal and requesting confirmation from each counterparty that they wish to proceed with the deal.

3. (Previously Presented) A system according to claim 2, wherein the system further comprises a credit filter arranged to filter the order information to each order input terminal to distinguish information relating to orders with which the party represented by the order input terminal has sufficient credit to trade at least a portion of the order amount, and wherein the at least one broker order input terminal can select a given one of the plurality of the client traders whereby the order information displayed at the broker order input terminal is filtered to distinguish dealable order information for the party of the selected client trader.

4. (Previously Presented) A system according to claim 3, wherein the broker order input terminal is configurable to display order information relating to all orders submitted to the system.

5. (Previously Presented) A system according to claim 3, wherein the broker order input terminal is connected to a network node, the network node being arranged to submit order information from the broker order input terminal to the matching engine computer and to receive order information from other order input terminals for communication to the broker order input terminal.

6. (Previously Presented) A system according to claim 1, wherein the broker order input terminal includes means for inputting into the system, details of trades conducted outside the system with other brokers.

7. (Previously Presented) A system according to claim 1, wherein the trader order input terminals include means for disclosing the identity of a party to a trade to the broker order input terminal before a trade is agreed upon.

8. (Original) A system according to claim 1, wherein the trading system is an anonymous trading system.

9. (Original) A system according to claim 1, wherein the instruments traded are financial instruments.

10. (Original) A system according to claim 7, wherein the financial instruments are Forward Rate Agreements (FRAs).

11. (Cancelled).

12. (Cancelled).

13. (Previously Presented) A computerised trading system for trading instruments between parties including a plurality of order input terminal for inputting bid and offer orders on behalf of traders, a matching engine computer for matching bids and offers input by traders and, where matches are made, for executing deals, and one or more market distributor computers for distributing details of at least a portion of the bids and offers in the market to traders, wherein the order input terminals comprise trader order input terminals and at least one broker order input terminal for entering bids and offers into the system on behalf of traders operating outside the system wherein the trader order input terminals communicate to traders the amount of the market in the instrument being traded that has been input from the at least one broker order input terminal.

14. (Original) A screen display for a trader terminal of an electronic trading system in which electronic orders are input by traders via the trader terminals and by brokers on behalf of third parties via broker terminals, the screen display communicating to the trader order information received from other traders and brokers via a network, the screen further including an indication of the proportion of a given market that has been entered into the system by one or more brokers.

15. (Previously Presented) A system according to claim 1, wherein the or each broker input terminal appears the same as a trader order input terminal to the communications network.

16. (Previously Presented) A system according to claim 1, wherein the plurality of client traders comprise voice traders.

17. (Previously Presented) A system according to claim 1, wherein electronic orders generated by the at least one broker order input terminal are owned by the broker.

Claims 18-20. (Cancelled).

21. (Previously Presented) A system according to claim 13, wherein the traders operating outside the system comprise voice traders.

22. (Previously Presented) A system according to claim 13, wherein orders input at the broker terminal are owned by a broker.

23. (Cancelled).

24. (Cancelled).

REMARKS

Claims 1-10, 13-17 and 21-22 are pending. Non-elected claims 12, 18-20, 23 and 24 have been cancelled without prejudice and may be submitted for examination in one or more divisional applications. Claims 1, 13 and 14 are the only independent claims.

Claims 1, 2, 8, 9, 13 and 14 were rejected on the ground of obviousness-type double patenting over certain claims of U.S. Patent 7,024,386 (Mills et al.) in view of U.S. Patent Publication No. 2003/0088499 (Gilbert et al.) and U.S. Patent 6,366,890 (Usrey).

With regard to the double patenting rejection, filed herewith is a Terminal Disclaimer with reference to the Mills et al. patent. The filing of this Terminal Disclaimer obviates the double patenting rejection.

Claims 1-10, 13 and 14, and apparently claims 15-17, 21 and 22 (based on the discussion at page 9 of the Office Action), were rejected under 35 U.S.C. § 103 over Mills et al. in view of Gilbert et al. and Usrey. Applicant respectfully traverses this rejection.

Effective November 20, 1999, 35 U.S.C. § 103(c) provides that subject matter developed by another which qualifies as prior art only under one or more of subsections 35 U.S.C. § 102(e), (f) and (g) is not to be considered when determining whether an invention sought to be patented is obvious under Section 103, provided the subject matter and the claimed invention were commonly owned at the time the invention was made or subject to an obligation of assignment to the same person.

As pointed out on page 5 of the Office Action, Mills et al. is a Section 102(e) reference. Pursuant to MPEP 706.02(l)(2), the Examiner is advised that the instant application was, at the time that the invention claimed in the instant application was

made, subject to an obligation of assignment to the same entity that owned the application that matured into the Mills et al. patent. Therefore, Mills et al. is disqualified as prior art under 35 U.S.C. §103(c). Accordingly, withdrawal of the Section 103 rejection is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Dated: February 20, 2008

Respectfully submitted,

By 

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